

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRICK CHAVIS,

Defendant.

No. CR 03-40218 CW

ORDER GRANTING, IN
PART, DEFENDANT'S
MOTION FOR
MODIFICATION OF
RESTITUTION ORDER

Defendant Darrick Chavis moves for a modification of the restitution ordered in the judgment in this case. The government has filed a response and Defendant has filed a reply. Having considered the papers filed by the parties, the Court grants the motion, in part.

A January 20, 2005 judgment against Defendant ordered him to pay restitution in the amounts of \$385,494 to Hartford Fire Insurance Company and \$5,000 to the City of Hercules. Additionally, Defendant was ordered to pay a fine of \$12,500.


Defendant has satisfied the restitution he owed to the Hartford Insurance Company and the City of Hercules. On September 17, 2010, Defendant received an Acknowledgment of Satisfaction of Judgment from Hartford. After that time, Defendant continued to pay \$200 per month to the United States Department of Justice.

1 Defendant seeks an order (1) acknowledging the release from
2 Hartford and crediting all payments he made after September 17,
3 2010 to his fine and (2) relieving him from the remainder of his
4 fine. The government does not oppose acknowledging Hartford's
5 release of Defendant's restitution obligation, but does oppose
6 relieving him of his obligation to repay the remaining portion of
7 his fine.

8 The Court grants Defendant's request to acknowledge that he
9 has satisfied his restitution obligation. Because Defendant's
10 obligation to Hartford was satisfied as of September 17, 2010, all
11 sums Defendant has paid since that time must be applied to the
12 amount due on his fine. However, the Court denies Defendant's
13 request to be relieved of the outstanding balance due on his fine.
14 Defendant may ask his probation officer to reduce temporarily his
15 \$200 monthly payment amount if he is unable to afford it, and may
16 move for relief if his request is denied.

17
18 IT IS SO ORDERED.

19
20 Dated: 10/12/2011



CLAUDIA WILKEN
United States District Judge